

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

FEB 17 2015

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Whe, DEPUTY

MAURICE SMITH,

Plaintiff,

vs.

CAROLYN COLVIN, Acting
Commissioner, Social Security
Administration,

Defendant.

No. CIV-13-1363-W

ORDER

On January 30, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the decision of Carolyn Colvin, Acting Commissioner of Social Security ("Commissioner"), denying the Application for Disability Insurance Benefits and the Application for Supplemental Security Income filed by plaintiff Maurice Smith be reversed. Magistrate Judge Erwin further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Erwin's Report and Recommendation, but neither party objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggestion that the record warrants reversal and remand of this matter. On remand, the Administrative Law Judge ("ALJ") should conduct a proper and complete step three analysis, see Clifton v. Chater, 79 F.3d 1007 (10th Cir. 1996), and should adequately discuss the evidence and his conclusions in connection with Listing 1.04(A),¹ which

¹The Court finds dispositive the ALJ's error at step three of the five-step sequential evaluation process. See 20 C.F.R. § 404.1520. The Court therefore has not discussed Smith's

concerns disorders of the spine. See 20 C.F.R. Part 404, Subpart P, App. I, Part A § 1.04(A).

Accordingly, the Court

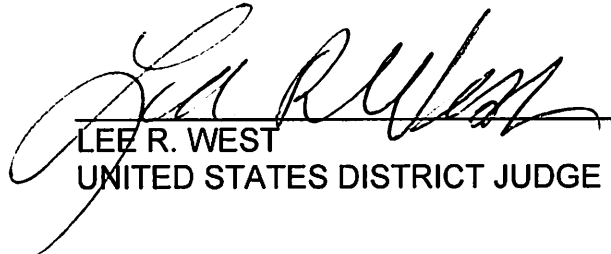
(1) ADOPTS the Report and Recommendation [Doc. 21] issued on January 30, 2015;

(2) REVERSES the Commissioner's decision denying Smith's Application for Disability Insurance Benefits and Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Erwin's Report and Recommendation; and

(4) ORDERS that judgment issue forthwith.

ENTERED this 17th day of February, 2015.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

remaining propositions of error.